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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,332	12/29/2000	Joshua Coates	SCAL.P0007	8411

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EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,332

Applicant(s)

COATES, JOSHUA

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 11, 12, 14-17, 21, 22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iskiyan et al. (U.S. Patent No. 5,692,155) in view of Kern et al. (U.S. Patent No. 5,870,537).

With respect to claim 1, Iskiyan discloses storing a file in a first storage (a first intelligent storage node) accessed via a network and a duplicate of the file in a second storage (a second intelligent storage node) accessed via a network (abstract, fig. 1, lines 41-67 in col. 7, and lines 1-13 in col. 8). Iskiyan discloses raising a long busy signal (entering a failover condition) to cease use of the first storage (abstract). Iskiyan discloses the first and second storages have the same volume serial numbers for data (lines 13-39 in col. 2). Iskiyan is silent on accessing the second storage for a subsequent file request. However, Kern discloses a switching operation that switches the direction of the request from the first storage to the second storage (abstract, fig. 5, lines 50-67 in col. 4, and lines 1-25 in col. 5). Kern discloses directing subsequent file requests to the second storage (lines 40-63 in col. 5), which teaches determining a location for files in the second storage. Therefore, based on Iskiyan in view of Kern, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to access and determine a location for a file in the second storage for continuing and completing file requests regardless of a system failure.

With respect to claim 2, Iskiyan discloses network links between two systems (fig. 1, lines 65-67 in col. 7, and lines 1-13 in col. 8). Iskiyan is silent on a network address for the first storage and second storage. However, Kern discloses a device address (a network address) for the first storage (first intelligent storage node) and the second storage (second intelligent storage node, abstract, lines 65-67 in col. 4, and lines 1-25 in col. 5). Therefore, based on Iskiyan in view of Ken, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a network address for the storages in order to direct subsequent file requests to a designated storage.

With respect to claim 4, Iskiyan discloses storing a file in the first storage located in a primary system (a first storage center) and storing the file in the second storage located in a secondary system (a second storage center), which is geographically remote from the primary system (fig. 1, fig. 5, and lines 40-51 in col. 2).

With respect to claim 5, Iskiyan discloses storing a plurality of files in a plurality of storages (intelligent storage nodes) in the primary system (the first storage center) and storing duplicates of the files in a plurality of storages (intelligent storage nodes) in the secondary system (the second storage center, fig. 1 and fig. 5). Iskiyan discloses the storages in the primary and secondary systems have the same volume serial numbers for data (lines 13-39 in col. 2), which teaches a one to one mapping between storages in the two systems (fig. 1 and fig. 5).

With respect to claim 6, Iskiyan discloses storing a file in the first storage (the first intelligent storage node) located in a system and storing the file in the second storage (the second intelligent storage node) located in the system (fig. 5).

With respect to claim 7, Iskiyan discloses storing a file in a primary system (a first storage center) having storages (intelligent storage nodes) and storing a duplicate of the file in a secondary system (a second storage center), which is geographically remote from the primary system (fig. 1, fig. 5, and lines 40-51 in col. 2). Iskiyan discloses raising a long busy signal (entering a failover condition) to cease use of the first storage (abstract). Iskiyan discloses the first and second storages have the same volume serial numbers for data (lines 13-39 in col. 2). Iskiyan is silent on searching the second storage. However, Kern discloses a switching operation that switches the direction of the request from the first storage to the second storage (abstract, fig. 5, lines 50-67 in col. 4, and lines 1-25 in col. 5). Kern discloses directing subsequent file requests to the second storage (lines 40-63 in col. 5), which teaches determining a location for files in the second storage and searching for the files in the second storage. Therefore, based on Iskiyan in view of Kern, it would have been obvious to one having ordinary skill in the art at the time the invention was made to search and determine a location for a file in the second storage for continuing and completing file requests regardless of a system failure.

With respect to claims 11 and 21, Iskiyan discloses data/records (abstract and lines 15-29 in col. 1), which teaches files and directories. Therefore, the limitations of

claims 11 and 21 are rejected in the analysis above of claim 1, and these claims are rejected on that basis.

The limitations of claims 12 and 22 are rejected in the analysis above of claim 2, and these claims are rejected on that basis.

The limitations of claims 14 and 24 are rejected in the analysis above of claim 4, and these claims are rejected on that basis.

The limitations of claims 15 and 25 are rejected in the analysis above of claim 5, and these claims are rejected on that basis.

The limitations of claims 16 and 26 are rejected in the analysis above of claim 6, and these claims are rejected on that basis.

The limitations of claims 17 and 27 are rejected in the analysis above of claim 7, and these claims are rejected on that basis.

3. Claims 3, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iskiyan et al. (U.S. Patent No. 5,692,155) in view of Kern et al. (U.S. Patent No. 5,870,537) as applied to claims 1 and 2 above, and further in view of Mogul (RFC0917 : Internet subnets, 1984, ACM, pages 1-17).

With respect to claim 3, Iskiyan discloses the first and the second storages in the same system (fig. 5). Iskiyan and kern are silent on Internet protocol (IP) network address and difference in a subnet portion of the IP network address. However, Mogul discloses IP address (pages 17-18) and a subnet as a subnet of a single Internet network (pages 3-7), which teaches the subnet is a local in the single Internet network.

Therefore, based on Iskiyan in view of Kern, and further in view of Mogul, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a storage and a duplicate storage in the same system, thus only subnet portion of IP addresses are different, for the discretion of a user.

The limitations of claims 13 and 23 are rejected in the analysis above of claim 3, and these claims are rejected on that basis.

4. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iskiyan et al. (U.S. Patent No. 5,692,155) in view of Kern et al. (U.S. Patent No. 5,870,537) as applied to claims 1 and 7 above, and further in view of Miller (U.S. Patent No. 5,506,984).

With respect to claim 8, Iskiyan and Kern are silent on searching for the file in a first storage center if the file is not located in a second storage center. However, Miller discloses searching another database for data if the data is not located in a searched database and continuing searching the other databases for the data until the data is located (abstract, fig. 5, and lines 10-51 in col. 14). Therefore, based on Iskiyan in view of Kern, and further in view of Miller, it would have been obvious to one having ordinary skill in the art at the time the invention was made to search the file in other storage center or storages in order to locate the file.

The limitations of claims 18 and 28 are rejected in the analysis above of claim 8, and these claims are rejected on that basis.

5. Claims 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iskiyan et al. (U.S. Patent No. 5,692,155) in view of Kern et al. (U.S. Patent No. 5,870,537) as applied to claims 1 and 7 above, and further in view of Gayman (U.S. Patent No. 6,256,673).

With respect to claim 9, Iskiyan and Kern are silent on searching for the file using a multi-cast protocol. However, Gayman discloses a multi-cast protocol for requesting (figs. 1-4 and lines 19-61 in col. 6). Therefore, based on Iskiyan in view of Kern, and further in view of Gayman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a multi-cast protocol for requesting for the discretion of a user.

The limitations of claims 19 and 29 are rejected in the analysis above of claim 9, and these claims are rejected on that basis.

6. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iskiyan et al. (U.S. Patent No. 5,692,155) in view of Kern et al. (U.S. Patent No. 5,870,537) as applied to claims 1 and 7 above, and further in view of Microsoft Press (Computer Dictionary Third Edition, 1997, Microsoft Press, page 377).

With respect to claim 10, Iskiyan discloses a link between a storage controller (a distributed object storage manager, DOSM) and a storage (an intelligent storage node, fig. 1, fig. 5, lines 41-67 in col. 7, and lines 1-13 in col. 8). Iskiyan and Kern are silent on a point-to-point protocol between the storage controller and the storage. However, Microsoft Press discloses a point-to-point protocol for a data link. Therefore, based on

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Iskiyan in view of Kern, and further in view of Microsoft Press, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a point-to-point protocol between the storage controller (the DOSM) and the storage (the intelligent storage node) to search the file in the storage for the discretion of a user.

The limitations of claims 20 and 30 are rejected in the analysis above of claim 10, and these claims are rejected on that basis.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 703-305-6469. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Joon Hwang
November 15, 2002


JEAN M. CORRIELUS
PRIMARY EXAMINER